

### **REMARKS**

In reply to the Office Action mailed December 5, 2007, please enter the amendments set forth above and consider the following remarks. By this response, Applicant amends claims 1 and 17. No new matter has been added. After entry of this paper, claims 1-3, 5-9, 11-19, 21-25 and 27-36 will remain pending in this application.

In the Office Action, the Examiner rejected claims 1-3, 5-9, 11-19, 21-25 and 27-36 under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,181,330 to Yui *et al.* ("Yui"). Applicant respectfully traverses the rejection(s) and submits that the amended claims are allowable for at least the reasons set forth below. Reconsideration is respectfully requested.

#### **Rejections Under 35 U.S.C. 103(a)**

Claims 1-3, 5-9, 11-19, 21-25 and 27-36 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yui.

Without acquiescence to the rejections, in the interests of advancing prosecution and avoiding additional costs, Applicant amends the independent claims subject to this rejection to even further clarify over/distinguish the cited art. Both independent claims 1 and 17 recite unique features that are neither disclosed by nor obvious in view of Yui. For example, amended independent claims 1 and 17 recite, *inter alia*, "wherein the set-up process includes adjusting sampling via a feedback component."

In contrast, Yui is directed towards video display devices involving only basic, linear sampling and processing of video signals. For example, in Yui, simplistic display adjustment circuits are provided, without any disclosure regarding sampling and adjustment of sampling via a feedback component. Thus while Yui utilizes a sampling signal, this sampling signal is simply statically generated for provision to an Analog-to-Digital converter. See, e.g., Fig. 1, and column 2, lines 58-60. As such, whereas the sampling signal in Yui is never adjusted via feedback, amended claims 1 and 17 include sampling recitations consistent with the feedback components and features set forth in Applicant's disclosure (see, by way of example and not limitation, tuning circuit 310 of

Figure 2). Thus Yui fails to teach or suggest the method and apparatus for communicating digital data, as claimed. Furthermore, neither the knowledge of one skilled in the art at the time nor any other factors under §103, as considered in view of Yui, cure the deficiencies noted above.

Accordingly, Applicant submits that independent claims 1 and 17 are patentable over Yui for at least the above reasons. Applicant further submits that, because claims 2-3, 5-9, and 11-16 depend on claim 1, and because claims 18-19, 21-25 and 27-36 depend on claim 17, these claims are also patentable for at least these reasons. As such, Applicant respectfully requests that the rejections to each of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

#### Conclusory Remarks

Applicant's claimed inventions are patentable over the cited art for at least the reasons indicated above. Accordingly, Applicant respectfully submits that the pending claims are in condition for formal allowance.

The Examiner is invited to contact Applicant's representative at the telephone number listed below if doing so will in any way advance prosecution of the application.

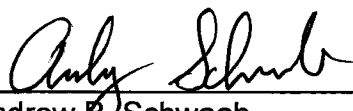
The Commissioner is authorized to grant any extensions of time and/or charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896 referencing Attorney Docket No. 348162-991180.

Respectfully submitted,

**DLA PIPER US LLP**

Dated: May 5, 2008

By: \_\_\_\_\_

  
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